

REMARKS

Responsive to the requirement for restriction, applicant elects Group II, claims 5-9, drawn to a machine, with traverse.

The requirement is believed to be improper for the following reasons:

1. The method of Group I cannot be practiced without the machine of Group II.

2. The machine of Group II cannot practice a method other than that of claim 1.

3. There is accordingly not even one-way distinctness, much less two-way distinctness, between the groups of claims.

4. The machine claims recite a functional definition of means for carrying out the method claims, so that a search would be conducted in the same field as the method claims. Thus, the amount of work is not increased by examining both groups together.

5. Separate classification is not evidence of the propriety of a requirement for restriction. Classification is solely for the convenience of the Patent Office and the searching public, and cannot decrease an applicant's rights in any way.

Accordingly, an action on the merits of all of the claims is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

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